

REMARKS

Review and reconsideration of the final Office Action mailed January 23, 2009 (hereinafter "Office Action") is respectfully requested in view of the above amendment and the following remarks. In the Office Action, claims 1-2 and 4-8 were pending, with all claims being rejected under 35 U.S.C. §102(b). By this Amendment, claims 1, 2 and 4 to 8 are cancelled, and claims 9 to 11 are added. No new matter is added.

As this Amendment is being filed less than two months from the mailing date of the Office Action, Applicants respectfully request the benefits set forth on page 5 of the Office Action. The rejection is addressed in more detail below.

Claims Rejections – 35 USC § 102(b)

In the Office Action, claims 1, 2 and 4-8 were rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 4,567,458 issued to Englund (hereinafter "Englund"). In the Office Action, the Examiner asserted that Englund disclosed each limitation of claims 1, 2 and 4-8. New claim 9 is drawn to:

9. (New) A bimetallic thermostat with exchange contacts comprising:
an external support covering; and
an internal device comprising:
a pierced base provided with a packing and with electric contacts for connection with the outside of the bimetallic thermostat,
a relay electrically connected with said base, and
a sensitive thermostatic element provided with feet electrically connected with said relay,
wherein a printed circuit insulating plate is interposed between the sensitive thermostatic element and the relay, said printed circuit insulating plate comprising first holes for the ends of wires connected with said electric contacts, second holes for the fastening of the relay,

passing-through slots for housing the feet of the sensitive thermostatic element and said printed circuit provided with routes for connecting said first and second holes and said slots while preventing interferences between said feet of the sensitive thermostatic element and said wires.

As amended, claim 9 is drawn to the subject matter of cancelled claims 1, 6 and 7, with the additional limitation that “said printed circuit provided with routes for connecting said first and second holes and said slots while preventing interferences between said feet of the sensitive thermostatic element and said wires.” Support for the limitation regarding the relationship between the printed circuit insulating plate, the feet of the sensitive thermostatic element, and the wires can be found throughout the specification. *See, e.g.*, Specification, page 2, ln. 28 – page 3, ln. 2.

Applicant notes that the Response to Arguments section of the Office Action indicates that the subject matter of the additional limitation does not appear to be disclosed or suggested by Englund or any other cited reference. As the subject matter of claim 9 is drawn to subject matter that was previously considered by the Examiner (claims 1, 6 and 7) or subject matter suggested by the Examiner (the printed circuit limitation), Applicants respectfully request entry of the proposed amendment.

The arrangement where “said printed circuit provided with routes for connecting said first and second holes and said slots while preventing interferences between said feet of the sensitive thermostatic element and said wires,” provides benefits not provided by the cited reference. In particular, the claimed arrangement can prevent the short circuit of the relay or the incorrect operation of the relay with the consequent incorrect output signals through the external feet. *See* Specification, page 2, ln. 28 – page 3, ln. 2. Applicant respectfully submits that the cited references do not disclose such an arrangement. Accordingly, Applicant respectfully requests that the rejection based on Englund be withdrawn.

Conclusion

As the cited references do not appear to disclose or suggest the subject matter of the independent claim, the independent claim is believed to be allowable. In addition, the dependent claims are believed to be allowable due to their dependence on an allowable base claim and for further features recited therein. The application is believed to be in condition for immediate allowance. If any issues remain outstanding, Applicant invites the Examiner to call the undersigned (direct line 561-838-5229 x228) if it is believed that a telephone interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

AKERMAN SENTERFITT

Date: March 3, 2008

/Gregory M. Lefkowitz/

J. Rodman Steele, Jr., Reg. No. 25,931
Gregory M. Lefkowitz, Reg. No. 56,216
525 Okeechobee Blvd., Fifteenth Floor
West Palm Beach, FL 33401
Phone: 561-838-5229 x228
Fax: 561-838-5578

Docket No.: 1610-122